Electronically

Generated

Document

Distr.
LIMITED

E/CN.4/1994/L.11/Add.9
11 March 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 26

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

CONTENTS*

Chapter		Page
II.	Resolutions and decisions adopted by the Commission at its fiftieth session	
	A. Resolutions	
1994/90	Need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography . . .	
1994/91	Implementation of the Convention on the Rights of the Child	
1994/92	Special Rapporteur on the sale of children, child prostitution and child pornography . . .	

---

* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

CONTENTS (continued)

Chapter — Page

A. Resolutions (continued)

1994/93 The plight of street children . . . . . .

1994/94 Effects of armed conflicts on children's lives

1994/95 World Conference on Human Rights . . . . . .

1994/96 Question of a draft declaration on the right and responsibility of individuals and organs of society to promote and protect universally recognized human rights and fundamental freedoms . . . . . .

1994/97 Effective functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard . . . . . .

1994/90. Need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Reaffirming the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, which requires effective measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse,

Recalling the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Recalling also the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for its implementation, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, which establish a solemn commitment of granting priority to the rights of the child and to his or her survival, protection and development, thus contributing to the welfare of every society,

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the important role it plays in ensuring effective protection of the rights of the child,

Recalling also its resolution 1992/74 of 5 March 1992, in which it adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Recalling further its resolutions 1992/76 of 5 March 1992 and 1993/82 of 10 March 1993,

Deeply concerned by the situation of children subjected to the yoke of sale and child prostitution, sexual abuse and other forms of exploitation, Taking into account the relevant information on the generalization and different forms of exploitation of child labour, such as the use of children for illegal purposes, including drug trafficking,

Dismayed by the persistence of the sale of children and related practices entailing disappearances, fraudulent adoptions, abandonment and abductions for commercial purposes,

Taking into account the necessity that the Special Rapporteur be assisted with the cooperation of Governments and provided with information on this matter,

Recognizing the existence of a market, which encourages the increase of such criminal practices against children,

Bearing in mind the different causes that influence the emergence and persistence of this special circumstance, including poverty, unemployment, hunger, natural disasters, intolerance, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child and the maintenance of family unity,

Aware of the need to increase international cooperation to eliminate the causes of these evils,

Considering that it is necessary to deploy greater efforts at the national and international levels to promote and protect all the rights of the child everywhere in the world,

Recognizing the need for a continued exchange of information between the various mechanisms and bodies entrusted with the task of preventing and eradicating all practices related to the sale of children, child prostitution and child pornography,

Recalling the conventions and recommendations of the International Labour Organisation related to this question,

Noting the report of the Second International Workshop on National Institutions for the Promotion and Protection of Human Rights (E/CN.4/1994/45 and Add.1) and, in particular, the recommendations contained therein concerning children and the draft optional protocol to the Convention on the Rights of the Child concerning the elimination of sexual exploitation and trafficking of children,

Bearing in mind the formulation by the General Assembly, in its resolution 48/156 of 20 December 1993, of concrete suggestions on this problem,

Having considered the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1994/84 and Add.1) and the conclusions and recommendations contained therein,

1. Expresses deep concern at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children, child prostitution and child pornography;

2. Urges all Governments to seek solutions, as well as ways and means to enhance and ensure international cooperation to eradicate such aberrant practices;

3. Also urges all States to adopt the necessary administrative and legislative measures to eradicate more effectively the practices of the sale of children, child prostitution and child pornography;

4. Recommends to all States to adopt the necessary measures to eliminate the existing market, which encourages the increase of such criminal practices;

5. Reaffirms the essential values of the Convention on the Rights of the Child and of its effective implementation system at the national and international levels as an essential means to prevent and combat situations of sale of children, child prostitution and child pornography;

6. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1994/84 and Add.1);

7. Endorses the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography;

8. Recognizes the important role that the specialized agencies, the non-governmental organizations and the community at large can play in order to ensure greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including dissemination of information and teaching of the rights of the child;

9. Recalls in this framework the essential importance of ensuring the effective implementation of the Programmes of Action adopted by the Commission on Human Rights for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and for the Elimination of Child Labour in its resolutions 1992/74 of 5 March 1992 and 1993/79 of 10 March 1993, respectively;

10. Encourages Governments and national and international educational organizations, in particular the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

11. Reaffirms the need to strengthen and ensure the effective implementation of the Convention on the Rights of the Child, as well as to provide appropriate remedies in favour of the rights of the child;

12. Encourages the establishment of bodies and institutions, both governmental and non-governmental, which carry out activities in favour of children in the light of children's best interests;

13. Invites the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, as well as with other competent United Nations bodies dealing with questions covered by his mandate, including the Commission on Crime Prevention and Criminal Justice, and the International Criminal Police Organization, and to this effect invites him to participate in the next session of the Committee on the Rights of the Child and of the Working Group on Contemporary Forms of Slavery;

14. Calls upon the Special Rapporteur to request relevant information on situations, wherever they may occur, involving the sale of children, child prostitution and child pornography, as well as other questions related to these problems;

15. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay attention to the economic, social, legal and cultural factors affecting these phenomena;

16. Also requests the Special Rapporteur, within the framework of the above-mentioned reports, to include recommendations on concrete measures by Governments to eradicate the practices of the sale of children, child prostitution and child pornography;

17. Decides to establish an open-ended inter-sessional working group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication;

18. Requests the Secretary-General to invite Governments, intergovernmental organizations, the Special Rapporteur, the Committee on the Rights of the Child and non-governmental organizations to send comments on the guidelines for a possible draft optional protocol for consideration by the Working Group, and to circulate these contributions to Governments in advance of the meeting of the Working Group;

19. Requests the Working Group to take into account available documentation and information, inter alia, the report of the Second International Workshop on National Institutions for the Promotion and Protection of Human Rights;

20. Also requests the Working Group to meet between sessions for a period of two weeks before the fifty-first session of the Commission;

21. Further requests the Secretary-General to provide the Working Group with all the services it requires for the meeting to be held;

22. Decides to consider, as a matter of priority, at its fifty-first session a specific sub-item entitled "Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication";

23. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/91 of 9 March 1994,

1. Authorizes the establishment of an open-ended inter-sessional working group responsible for elaborating, as a matter of priority and in

close cooperation with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication which will meet for two weeks before the fifty-first session of the Commission on Human Rights;

2. Requests the Secretary-General to provide the Working Group with all the services it requires to be able to meet and fulfil its tasks."

66th meeting
9 March 1994
[Adopted without a vote.]

1994/91. Implementation of the Convention on the Rights of the Child

The Commission on Human Rights,

Recalling General Assembly resolutions 47/112 of 16 December 1992 and 48/157 of 20 December 1993, its own resolutions 1993/78 and 1993/83 of 10 March 1993, as well as resolution 1993/5 of 20 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming that the rights of children require special protection and call for continuous improvement of their situation all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, economic and sexual exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Recalling that the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto of 1977, as well as article 38 of the Convention on the Rights of the Child, accord children special treatment,

Aware of the need to enhance international cooperation to prevent the involvement of children in armed conflicts,

Urging States parties to comply strictly with their obligations under article 38 of the Convention on the Rights of the Child,

Mindful of the important role of the United Nations Children's Fund and of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a decisive standard-setting accomplishment of the United Nations in the field of human rights, makes a fundamental contribution to protecting the rights of children and ensuring their well-being,

Having considered the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1994/83),

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Mindful of the recommendation contained in part II, paragraph 46 of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that measures be taken to achieve universal ratification of the Convention by 1995, as well as its effective implementation,

Seriously concerned about those reservations to the Convention which are contrary to international treaty law, and recalling that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights urged States to withdraw reservations to the Convention contrary to the object and purpose of the Convention or otherwise contrary to international treaty law,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child;

2. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990, and calls upon all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

3. Requests the Secretary-General to continue to provide all facilities and assistance necessary for the dissemination of information on the Convention and its implementation with a view to promoting its universal ratification by

1995, as well as to promote the full realization of its principles and provisions;

4. Expresses its alarm at persistent reports that massive violations of the rights of the child continue worldwide;

5. Urges States parties to take immediate steps to ensure strict compliance with their obligations under the Convention, including the timely submission of their reports to the Committee on the Rights of the Child, in the light of the guidelines elaborated for that purpose (CRC/C/5);

6. Recognizes the important functions of the Committee in overseeing the effective implementation of the Convention and promoting a deeper understanding of its principles and provisions;

7. Welcomes the constructive and useful results achieved by the Committee during its first five sessions;

8. Takes note of the continued consideration by the Committee of the initial reports submitted by the States parties;

9. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with a view to considering their withdrawal;

10. Welcomes the consideration by the Committee of the reservations and declarations entered by States parties to the Convention when examining the reports of the States parties;

11. Recalls the recommendation contained in the Vienna Declaration and Programme of Action that the Committee study the question of raising the minimum age of recruitment into the armed forces;

12. Notes with appreciation the work done by the Committee on this issue, and in particular the preliminary draft optional protocol to the Convention on involvement of children in armed conflicts (E/CN.4/1994/91);

13. Decides to establish an open-ended inter-sessional working group of the Commission on Human Rights to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child, using as one basis for its discussions the above-mentioned preliminary draft optional protocol submitted by the Committee on the Rights of the Child;

14. Invites all Governments, specialized agencies and non-governmental organizations to participate in the activities of the working group;

15. Requests the working group to meet for a period of two weeks prior to the fifty-first session of the Commission;

16. Requests the Secretary-General to invite Governments, intergovernmental organizations, the Committee on the Rights of the Child and the expert on the situation of children in armed conflicts, to be appointed by the Secretary-General pursuant to General Assembly resolution 48/157 of 20 December 1993, as well as non-governmental organizations, to send comments on the preliminary draft optional protocol, for consideration by the working group, and to circulate these contributions to Governments in advance of the meeting of the working group;

17. Expresses deep concern at the continued exploitation and abuse of children, requiring effective measures against, in particular, the sale of children, child prostitution and child pornography;

18. Notes the concern voiced by the Committee about the economic exploitation of children, and takes note with interest of the set of recommendations adopted by the Committee on the issue at its fifth session;

19. Expresses concern at the increasingly heavy workload of the Committee on the Rights of the Child and the resulting difficulties faced by it in the fulfilment of its functions;

20. Requests the Secretary-General to continue to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee on the Rights of the Child;

21. Welcomes General Assembly resolution 48/157 of 20 December 1993, in which the Assembly requested the Secretary-General to appoint an expert to undertake a comprehensive study on the protection of children in armed conflicts, including the participation of children in armed conflict, as well as the relevance and adequacy of existing standards, and to make specific recommendations on ways and means to prevent children from being affected by armed conflicts and to improve the protection of children in armed conflicts, and on measures to ensure effective protection of these children;

22. Requests, in the light of General Assembly resolution 48/157 States Members of the United Nations and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, to contribute to the study;

23. Invites bodies and organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding;

24. Requests the Secretary-General to submit a report on the implementation of the Convention on the Rights of the Child to the Commission at its fifty-first session;

25. Decides to consider the report of the Secretary-General at its fifty-first session under the agenda item "Rights of the Child".

26. Recommends the following draft resolution to the Economic and Social Council for adoption:

"Question of an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/91 of 9 March 1994,

1. Authorizes an open-ended inter-sessional working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

2. Requests the Secretary-General to extend to the working group all the services it requires to be able to meet prior to the fifty-first session of the Commission on Human Rights, and to transmit the report of the working group to Governments, the specialized agencies, the chairpersons of the human rights bodies, the expert appointed to undertake a comprehensive study on the situation of children in armed conflicts, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the intergovernmental and non-governmental organizations concerned."

66th meeting
9 March 1994
[Adopted without a vote.]

1994/92. Special Rapporteur on the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Recalling its resolution 1990/68 of 7 March 1990, in which it decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography,

Recalling also Economic and Social Council decision 1990/240 of 25 May 1990, by which the Council decided to request the Chairman of the Commission to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes,

Recalling further its resolution 1992/76 of 5 March 1992, by which the Commission decided to extend the mandate of the Special Rapporteur for three years, while maintaining the annual reporting cycle,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the meaningful role it can play in ensuring an effective promotion and protection of the rights of children,

Also recalling its adoption of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, in its resolution 1992/74 of 5 March 1992, as well as of the Programme of Action for the Elimination of the Exploitation of Child Labour in its resolution 1993/79 of 10 March 1993,

Welcoming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, and the importance attached therein to the areas covered by the mandate of the Special Rapporteur,

Bearing in mind that the General Assembly in its resolution 44/82 of 8 December 1989 proclaimed 1994 as International Year of the Family, and recognizing the important role the Commission can play in this regard,

Welcoming the dialogue established between the Special Rapporteur and the Committee on the Rights of the Child, namely in the framework of the general

discussion on economic exploitation of children, where areas of common concern were fruitfully discussed,

Deeply concerned, however, about the persistence of the practices of the sale of children, child prostitution and child pornography in many parts of the world, which may also often constitute an exploitation of child labour,

Recognizing the need for a continuing exchange of information between the various mechanisms and bodies entrusted with the task of preventing and combating the situations of the sale of children, child prostitution and child pornography,

Recognizing also the need to build a network of contacts at both the national and international levels, including the governmental and non-governmental spheres,

Taking note with interest of the establishment of the Standing Working Party on Offences against Minors of Interpol, inspired by the principle of the best interests of the child and pursuing a child victim oriented policy,

Having considered the report of the Special Rapporteur on the sale of children (E/CN.4/1994/84 and Add.1) and the conclusions and recommendations contained therein,

1. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography;

2. Endorses the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography;

3. Stresses the need for an effective multidisciplinary approach, both at the international and national levels;

4. Recognizes the important role that specialized agencies, non-governmental organizations and the community at large can play in order to ensure a greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including by the dissemination of information and the teaching of children's rights;

5. Welcomes the recommendation made by the World Conference on Human Rights that matters relating to human rights and the situation of children be

regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system;

6. Recognizes the importance of strengthening the cooperation between international agencies dealing with development aid and assistance in the field of the rights of the child, in particular in the areas covered by the mandate of the Special Rapporteur;

7. Encourages Governments and national and international organizations to ensure a wide dissemination of the Programmes of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and for the Elimination of the Exploitation of Child Labour;

8. Recognizes the important role the media can play in collecting and disseminating information on children's rights, in particular in the areas covered by the mandate of the Special Rapporteur;

9. Emphasizes the importance of ensuring the training on children's rights of those who are involved in actions concerning children, in particular the judiciary and law enforcement officials, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations through the programme of advisory services in the field of human rights;

10. Encourages Governments, national and international educational organizations, including the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

11. Recognizes the importance of promoting the adoption by the business sector of a code of conduct for child protection with a view to preventing and eliminating the sale of children, child prostitution and child pornography;

12. Reaffirms the need for strengthening and ensuring the effective implementation of the legal framework aimed at effectively protecting children's rights, as well as at providing appropriate remedies for children whose rights have been violated;

13. Recognizes the importance of strengthening international cooperation, including through the adoption of bilateral and multilateral measures, in order

to prevent and combat situations of the sale of children, child prostitution and child pornography;

14. Encourages the establishment of bodies and institutions, both governmental and non-governmental, acting on behalf of the child in the light of his or her best interests;

15. Also encourages Governments, national police and other law enforcement authorities to work closely with the International Criminal Police Organization (Interpol), particularly its Standing Working Party on Offences against Minors, to identify cases relevant to the Special Rapporteur's mandate and to ensure that effective action is taken to prevent and remedy criminal and other acts which give rise to child abuse and exploitation;

16. Endorses the recommendation of the Special Rapporteur that States give urgent consideration to the establishment of a national focal point to gather information and to coordinate action on children's rights, including in the field of the sale of children, child prostitution and child pornography;

17. Takes note with appreciation of the information provided by the Special Rapporteur on these areas as well as on the methods of work he has established;

18. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay particular attention to areas which are still insufficiently documented, and takes note of the short-, medium- and long-term priorities, reflected in his recommendations to the Commission, in the areas of the prevention, protection and rehabilitation of children victims of sale, child prostitution and child pornography;

19. Also requests the Special Rapporteur, in carrying out his mandate, to continue to seek and receive credible and reliable information from Governments, United Nations bodies and intergovernmental and non-governmental organizations;

20. Invites the Special Rapporteur to continue to cooperate closely with the Committee on the Rights of the Child and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, as well as with other competent United Nations bodies dealing with questions covered by his mandate, including

the Crime Prevention and Criminal Justice Branch, and to this effect invites him to participate at the next sessions of those bodies;

21. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested, including by inviting the Special Rapporteur to undertake country visits;

22. Expresses its thanks to the Governments which have invited the Special Rapporteur to visit their countries and asks them to give all necessary attention to his recommendations and to inform him of any action taken thereon;

23. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur in order to enable him fully to discharge his mandate and to submit his preliminary report to the General Assembly at its forty-ninth session and his report to the Commission at its fifty-first session.

66th meeting
9 March 1994
[Adopted without a vote.]

1994/93. The plight of street children

The Commission on Human Rights,

Recalling its resolution 1993/81 of 10 March 1993 and General Assembly resolution 48/136 of 20 December 1993,

Welcoming the special attention given to the rights of children in the Vienna Declaration and Programme of Action, in particular in part I, paragraph 21,

Recalling the Convention on the Rights of the Child as a major contribution to the protection of the rights of all children, including street children,

Reaffirming that children are a particularly vulnerable group in society whose rights require special protection, and that children living under especially difficult circumstances, such as street children, deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned about the growing number of street children worldwide and the squalid conditions in which these children are often forced to live,

Profoundly concerned that the killing of and violence against street children threaten the most fundamental right of all, the right to life,

Alarmed at continuing serious offences of this nature against street children,

Recognizing the duty and responsibility of Governments to investigate all cases of offences against street children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Welcoming the efforts made by some Governments to take effective action to address the question of street children,

Welcoming also the publicity given to and the increased awareness of the plight of street children, and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Noting with appreciation the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur on the sale of children, child prostitution and child pornography, the United Nations International Drug Control Programme and the International Criminal Police Organization,

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, underdevelopment, rural-to-urban migration, unemployment, broken families, intolerance, exploitation and war, and that such

causes are often aggravated and their solution made more difficult by serious socio-economic difficulties,

Bearing in mind that the Vienna Declaration and Programme of Action urged all States, with the support of international cooperation, to address the acute problem of children in especially difficult circumstances and that national and international mechanisms and programmes should be strengthened for the defence and protection of children, including street children,

Recognizing that the prevention and solution of certain aspects of this problem could be facilitated in the context of economic and social development,

1. Expresses grave concern at the continued growth in the number of incidents worldwide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

2. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society, and to provide, inter alia, adequate nutrition, shelter, health care and education;

3. Strongly urges all Governments to guarantee the respect for fundamental human rights, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against street children;

4. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child, which is obligatory for States parties, would constitute a significant step towards solving the problems of street children, and calls upon all States that have not done so to become parties to the Convention as a matter of priority;

5. Calls on the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

6. Commends the Committee on the Rights of the Child for the attention it pays in its monitoring activities to the situation of children who, to survive, are forced to live and work in the streets, and reiterates its invitation to the Committee to consider the possibility of a general comment on street children;

7. Recommends that the Committee on the Rights of the Child and other relevant treaty monitoring bodies give attention to this growing problem when examining reports from States parties;

8. Invites Governments, United Nations bodies and organizations and intergovernmental and non-governmental organizations to cooperate with each other to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, initiating and supporting development projects that can have a positive impact on the situation of street children;

9. Calls on special rapporteurs, special representatives and working groups of the Commission on Human Rights and of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

10. Decides to consider the question further at its fifty-first session under the agenda item entitled "Rights of the Child".

66th meeting
9 March 1994
[Adopted without a vote.]

1994/94. Effects of armed conflicts on children's lives

The Commission on Human Rights,

Welcoming the promptness with which a large number of States have ratified the Convention on the Rights of the Child, which is evidence of unprecedented mobilization by the international community,

Noting in particular the fundamental importance of every child's inherent right to life, as recognized in article 6 of the Convention,

Reaffirming that this right is to be applied especially in times of armed conflict, when children's lives and physical integrity are particularly threatened,

Noting with interest that the Committee on the Rights of the Child, at its second session, decided to hold its first general discussion on the situation of

children in armed conflicts (see CRC/C/10), thereby acknowledging the fundamental importance of this issue for the promotion and protection of children's rights and the role of the Convention in this regard,

Noting with consternation the very large number of innocent civilians who continue to be the victims of all forms of armed conflicts now taking place in the world,

Deploring the continued practice of enlisting children in the armed forces,

Deeply concerned at the alarming figures for deaths and serious injuries entailing life-long disability among children in areas of conflict,

Alarmed at the information that some particularly injurious weapons, especially anti-personnel mines, continue to strike long after conflicts have ended,

Noting with distress that children are often among the main victims of such weapons, and especially of anti-personnel mines,

Fully aware in this respect of the importance of operations for the effective detection, clearance and destruction of unremoved mines, operations that cannot be conducted without resources or special skills, and anxious to promote international cooperation in this field,

Recalling General Assembly resolution 48/7 of 19 October 1993 entitled "Assistance in mine clearance",

Noting the commitments entered into by States in fields pertaining to humanitarian law, and particularly the Geneva Conventions of 12 August 1949 and their Additional Protocols,

Recalling that, on the basis both of international humanitarian law and of the provisions of the Convention on the Rights of the Child, States must take all possible measures to ensure special protection and suitable care for children affected by an armed conflict,

Emphasizing also the need to ensure the physical and psychological rehabilitation, as well as social reintegration, of children affected by an armed conflict,

Welcoming the Declaration adopted by the International Conference for the Protection of War Victims on 1 September 1993, in which States reaffirmed their

responsibilities under the Geneva Conventions of 1949 and the Additional Protocols thereto,

Recalling also in this regard the specific commitments entered into by States that have ratified the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, and particularly protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, and calling on States to consider ratifying these instruments,

Welcoming General Assembly resolution 48/79 concerning the convening and preparation of a conference to review the Convention, priority being given to the provisions of Protocol II,

Recalling its resolution 1993/83 of 10 March 1993,

Aware that the World Conference on Human Rights, convened in Vienna from 14 to 25 June 1990, strongly supported the idea of a study on the protection of children against the effects of armed conflicts, including protection against indiscriminate use of all weapons of war, especially anti-personnel mines, as indicated in paragraph 50 of the Vienna Declaration and Programme of Action,

Taking note with satisfaction of General Assembly resolution 48/157 entitled "Protection of children affected by armed conflicts",

1. Expresses its deep concern and indignation at the serious consequences of armed conflicts for children, directly or indirectly involved, who are often among the main civilian victims of the use of anti-personnel mines;

2. Expresses its gratitude again to the Committee on the Rights of the Child for the views expressed at its second session on the issue of children in armed conflicts, in particular on the need to strengthen preventive measures and to implement effective protection for children, and notes the recommendations made by the Committee at its third session on means of improving the protection of children from the adverse effects of armed conflicts (see CRC/C/16), including the recommendation made to the General Assembly to undertake a study;

3. Welcomes the General Assembly decision to appoint an expert, who, in cooperation with the Centre for Human Rights and UNICEF, will undertake a thorough study of this issue, especially the participation of children in armed

conflicts, as well as the relevance and adequacy of existing standards, and will make specific recommendations on means of preventing children from being affected by armed conflicts and of improving protection for children in armed conflicts, and on measures to ensure their effective protection, including protection against indiscriminate use of all weapons of war, especially anti-personnel mines, and to ensure their psychological and physical rehabilitation and social reintegration, taking into account the recommendations of the World Conference and of the Committee on the Rights of the Child;

4. Urges Member States, United Nations bodies and agencies, and the intergovernmental and non-governmental organizations concerned, including the Committee on the Rights of the Child, UNICEF, UNHCR, WHO and the International Committee of the Red Cross to contribute to the study;

5. Expresses its particular gratitude to the International Committee of the Red Cross and UNICEF for their efforts to foster awareness of the issue of anti-personnel mines;

6. Encourages efforts to promote international cooperation to assist in the detection and clearance of unremoved mines;

7. Requests all States to render full support for prevention of the indiscriminate use of anti-personnel mines and for protection and assistance for the victims;

8. Invites the relevant organizations of the United Nations system and other intergovernmental organizations to intensify their efforts to ensure that all possible assistance is given to child victims of anti-personnel mines, who are often disabled for life, with a view to their physical and psychological rehabilitation and social reintegration, and also to support to this end the activities of non-governmental organizations in the field;

9. Decides to examine this question, and especially the above-mentioned study, at its fifty-first session under the agenda item entitled "Rights of the child".

66th meeting
9 March 1994
[Adopted without a vote.]

1994/95. World Conference on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993 entitled "World Conference on Human Rights", in which the Assembly endorsed the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights,

Recalling also the view of the World Conference that the promotion and protection of human rights is a matter of priority for the international community,

Convinced that the World Conference, by the adoption of the Vienna Declaration and Programme of Action, made an important contribution to the promotion and protection of human rights,

Convinced also that all results of the World Conference have to be translated into effective action by States, the competent organs of the United Nations and its family of organizations, and other organizations concerned,

Recognizing the contribution of non-governmental organizations in this respect,

Bearing in mind the recommendation of the World Conference that the Commission on Human Rights, the General Assembly and other organs and agencies of the United Nations system related to human rights consider ways and means for the full implementation, without delay, of all recommendations contained in the Vienna Declaration and Programme of Action,

Bearing in mind also the recommendation of the World Conference that the Commission should review annually progress towards this end,

1. Appreciates the important contribution of the World Conference on Human Rights, convened at Vienna from 14 to 25 June 1993, to the universal promotion and protection of human rights;

2. Welcomes the reaffirmation by the World Conference of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations;

3. Reaffirms the views of the World Conference on the urgency of eliminating denials and violations of human rights;

4. Recognizes the importance of continued dialogue and cooperation between Governments and non-governmental organizations and the role the Commission has to play in continuing to provide a forum for such dialogue;

5. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission on Human Rights to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

6. Requests all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to include in their reports, where appropriate, a section on the implementation of the recommendations contained in the Vienna Declaration and Programme of Action;

7. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within its mandate and to include in its report the measures undertaken within its mandate to implement these recommendations;

8. Decides to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action, taking into account, inter alia, work undertaken in this respect by the General Assembly and its subsidiary bodies;

9. Requests the High Commissioner for Human Rights to include in his annual report to the Commission a section on the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action;

10. Decides to consider this question at its fifty-first session under the appropriate agenda item.

66th meeting
9 March 1994
[Adopted without a vote.]

1994/96. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1993/92 of 10 March 1993, in which it authorized further meetings of the working group and noted the progress it had achieved,

Recalling further that the World Conference on Human Rights recommended speedy completion and adoption of the draft declaration,

Conscious of the importance of taking into account the opinions of all States and of interested intergovernmental and non-governmental organizations before finalizing the draft declaration,

Noting with satisfaction the progress made by the open-ended working group during its meetings prior to and during the fiftieth session of the Commission,

1. Takes note of the report of the working group (E/CN.4/1994/81);

2. Urges the working group to make every effort to complete its task and submit the draft declaration to the Commission at its fifty-first session;

3. Decides to continue at its fifty-first session its work on the elaboration of the draft declaration;

4. Also decides to make available appropriate meeting time for the working group prior to and during the fifty-first session of the Commission;

5. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/96 of 10 March 1994,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to continue work on the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities to the working group for its meetings."

67th meeting
10 March 1994
[Adopted without a vote.]

1994/97. Effective functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard

The Commission on Human Rights,

Recalling its resolution 1993/58 of 9 March 1993,

Taking note of the report submitted by the Secretary-General (E/CN.4/1994/42) on the various aspects listed in paragraph 2 of resolution 1993/58,

Taking into account the necessity, as expressed in the Vienna Declaration and Programme of Action, for a continuing adaptation of the United Nations human rights machinery to current and future needs in the promotion and protection of human rights, in particular, through improved coordination, efficiency and effectiveness of the United Nations human rights organs,

Taking into account the need for the appropriate bodies to continue examining and improving the functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard to human rights and the implementation of the existing international standards in this regard,

1. Decides that, in the course of the forthcoming rationalization of the Commission's work, the report of the Secretary-General on this question (E/CN.4/1994/42), prepared in accordance with resolution 1993/58, should be considered;

2. Requests that, when the rationalization of work of the Commission is considered, recommendations should be submitted with a view to improving the functioning, effectiveness, efficiency and coordination of the mechanisms referred to in the present resolution;

3. Also requests that, when the rationalization of work of the Commission is considered, specific recommendations be submitted so that the mechanisms in

question can better carry out their work on the basis of the mandates established by the Commission and take due account of the principles of objectivity, impartiality and non-selectivity in discharging those mandates, while at the same time achieving a better rationalization of the work of the United Nations in this sphere and avoiding unnecessary duplication and waste of resources;

4. Decides to consider this question at its fifty-first session under the same agenda item.

68th meeting
10 March 1994
[Adopted without a vote.]

---

(258)

Distr.
LIMITED

E/CN.4/1994/L.11/Add.10
11 March 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 26

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

CONTENTS*

Chapter		Page
II.	Resolutions and decisions adopted by the Commission at its fiftieth session	
	B. Decisions	
1994/102.	Human rights dimensions of population transfer, including the implementation of settlers and settlements	
1994/103.	Enhancing the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	

E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

CONTENTS (continued)

Chapter — Page

II. B. Decisions (continued)

1994/104. Traditional practices affecting the health of women and children . . . . . .

1994/105. Cultural and intellectual property of indigenous people . . . . . .

1994/106. Study on treaties, agreements and other constructive arrangements between States and indigenous populations . . . . . .

1994/107. The right to a fair trial . . . . . .

1994/108. Situation of human rights in China . . . . . .

1994/109. Situation of human rights in Jammu and Kashmir . . . . . .

1994/110. Question of human rights in Cyprus . . . . . .

1994/102. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 41st meeting, on 25 February 1994, the Commission on Human Rights, noting resolution 1993/34 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse:

(a) The request to Mr. Awn Shawkat Al-Khasawneh, as Special Rapporteur, to continue the study on the human rights dimensions of population transfer, including the implantation of settlers and settlements;

(b) The invitation to request the Secretary-General to organize a multidisciplinary expert seminar on the human rights dimensions of population transfer, including the implantation of settlers and settlements, prior to the preparation of the final report, in order to formulate appropriate final conclusions and recommendations;

(c) The request to the Secretary-General to invite Governments, United Nations bodies and intergovernmental and non-governmental organizations concerned to provide the Special Rapporteur with information relevant to the preparation of his reports;

(d) The invitation to request the Special Rapporteur to undertake on-site visits to diverse, ongoing cases of population transfer selected on the basis of information received for the next report.

[See chap. XVII.]

1994/103. Enhancing the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its 55th meeting, on 4 March 1994, the Commission decided, without a vote, to request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to reconsider, without prejudice to the independence of the Sub-Commission and its members, its decisions to recommend the new studies and related efforts identified in draft decisions 1, 2, 4, 8 and 13 contained in the report of the Sub-Commission (E/CN.4/Sub.2/1993/45-E/CN.4/1994/2). The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations, having due regard for any working

papers the experts may wish to prepare without financial implications, to the Commission at its fifty-first session, in so far as appropriate, in the light of the guidelines adopted by the Sub-Commission at its forty-fourth session concerning its methods of work (resolution 1992/8 of 26 August 1992), as well as the need for the Sub-Commission to improve its deliberative processes, to avoid overloading its agenda with materials that are not adequately discussed and to establish priorities in its work, in particular to leave adequate time and resources for the consideration of new developments in the field of human rights.

[See chap. XVII.]

1994/104. Traditional practices affecting the health of women and children

At its 55th meeting, on 4 March 1994, the Commission on Human Rights, noting resolution 1993/33 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote to endorse the recommendation of the Sub-Commission that:

(a) The subject of harmful traditional practices affecting the health of women and children be maintained on the agenda of the Sub-Commission in so far as they constitute violations of human rights within the meaning of the relevant provisions of the International Bill of Human Rights and many other international instruments, in particular the Convention on the Rights of the Child;

(b) The mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for one year so as to enable her to submit to the Sub-Commission at its forty-sixth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to take place in Asia;

(c) The Centre for Human Rights provide all the assistance that the Special Rapporteur may require in the exercise of her mandate.

[See chap. XVII.]

1994/105. Cultural and intellectual property of indigenous people

At its 55th meeting, on 4 March 1994, the Commission on Human Rights, noting resolution 1993/44 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided without a vote, to endorse

the request to the Special Rapporteur, Mrs. Erica-Irene A. Daes, to expand her study on the protection of the cultural and intellectual property of indigenous people with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous people and to submit a preliminary report to the Sub-Commission at its forty-sixth session; requested the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the accomplishment of her task; decided that the title of the study should be "Protection of the heritage of the indigenous people"; and recommended the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, noting decision 1994/... of ... February 1994 of the Commission on Human Rights, welcomes the study by the Special Rapporteur, Mrs. Erica-Irene A. Daes, on the protection of the cultural and intellectual property of indigenous people (E/CN.4/Sub.2/1993/28); authorizes her to update and expand the study with a view to elaborating draft principles and guidelines on the protection of the heritage of indigenous people; requests her to submit her preliminary report to the Sub-Commission at its forty-sixth session; requests the Secretary-General to provide the Special Rapporteur with all necessary assistance to accomplish her work; and approves the new title of the study, 'Protection of the heritage of the indigenous people'."

[See chap. XVII.]

1994/106. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 55th meeting, on 4 March 1994, the Commission on Human Rights, noting decision 1993/110 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to authorize the Sub-Commission to reiterate its request to the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session, and also to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva

for consultation with the Centre for Human Rights; and requested the Economic and Social Council to endorse the above-mentioned decision of the Sub-Commission.

[See chap. XVII.]

1994/107. The right to a fair trial

At its 55th meeting, on 4 March 1994, the Commission on Human Rights, noting resolution 1993/26 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to express its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening"; endorses the request of the Sub-Commission to the Special Rapporteurs to continue their study, taking into account, inter alia, the comments made in the discussion of their preparatory,
preliminary and progress reports and to submit to the Sub-Commission, at its forty-sixth session, a final report which should include a set of conclusions and recommendations; decides to consider at its fifty-first session the final report of the Special Rapporteurs including, if appropriate, the desirability of a third optional protocol to the International Covenant on Civil and Political Rights, aimed at guaranteeing under all circumstances the right to a fair trial and a remedy, taking into account the consideration of the Sub-Commission thereon at its forty-sixth session; and recommended the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council recalling its decision 1993/291 of 20 July 1993, approves the endorsement by the Commission on Human Rights, contained in its decision 1994/107 of 4 March 1994, of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to submit their final report on the right to a fair trial, as described in Sub-Commission resolution 1993/26 of 25 August 1993, and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary to enable them to carry out their work successfully."

[See chap. XVII.]

1994/108. Situation of human rights in China

At its 65th meeting, on 9 March 1994, the Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 20 to 16, with 17 abstentions, to take no action on draft resolution E/CN.4/1994/L.83.

[See chap. XVII.]

1994/109. Situation of human rights in Jammu and Kashmir

At its 65th meeting, on 9 March 1994, the Commission decided, without a vote, not to take action on draft resolution E/CN.4/1994/L.40.

[See chap. XII.]

1994/110. Question of human rights in Cyprus

At its 66th meeting, on 9 March 1994, the Commission decided, without a vote, to postpone the debate under agenda item 12 (a), entitled "Question of human rights in Cyprus", to its fifty-first session and to give it due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]